

May 18, 2012

VIA ELECTRONIC FILING

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte* Meeting – Petition of
TeleCommunication Systems, Inc. for Waiver of Part
52 of the Commission's Rules, CC Docket No. 99-
200

Dear Ms. Dortch:

On May 16, 2012, at the suggestion of NEUSTAR, Inc., Kim Robert Scovill (in-person), and Lisa Dubuque and Michael Mihelich (via telephone) of TeleCommunication Systems, Inc. (TCS) met with; Marilyn Jones, Attorney, Competition Policy Division, WCB; Sanford Williams, Special Counsel for Numbering, Competition Policy Division, WCB; Ann Stevens, Deputy Division Chief, Competition Policy Division, WCB; William Dever, Division Chief, Competition Policy Division, WCB; and Travis Litman, Legal Advisor, WCB, regarding recent events that have added urgency for a Commission decision in this matter.

TCS reiterated the information contained in the record. The Petition seeks a very narrow waiver of the portion of Part 52 of the Commission's rules that deal with the qualification for allocation of pseudo-Automatic Number Identification resources (p-ANI) used in the routing of 911 emergency calls. The urgency of a Commission decision is precipitated by changes in the permanent numbering authority (PNA) and the administration of p-ANI.

This Petition has a long and well-documented history beginning with the original filing on February 20, 2007 and continuing through multiple subsequent filings and updates to the record. On January 27, 2011, NEUSTAR, Inc., previously the temporary numbering authority, transitioned to responsibilities as the PNA. The new PNA guidelines for p-ANI assignments terminated the self-administration of p-ANI previously enjoyed by qualified organizations such as TCS. As such, TCS can no longer respond quickly to network p-ANI needs by self-assigning p-ANI from an administered pool and must make a new request for all new p-ANI required. This has resulted in an immediate and continuing 911 routing issues that would be solved by the waiver relief requested under this Petition.

TCS seeks the waiver it has consistently requested for the reasons reiterated and detailed in its filings:

- a. Failure to grant TCS's waiver request could eventually result in significant disruptions to E911 and homeland security services and is currently causing a 911 routing disruption in South Carolina.
- b. State PUC certification as the sole criteria for qualification is a cumbersome and inaccurate process that has no relation to E911 or public services and does not further the FCC's E911 goals.

- c. Despite its objections, TCS has substantially complied with this requirement and is certified in 42 jurisdictions.
 - i. TCS is currently not certified in; Idaho, Colorado, Wyoming, South Dakota, South Carolina, West Virginia, Alaska, and the District of Columbia.
 - ii. TCS has an open application in Maine.
 - iii. TCS encountered significant certification questions in Iowa, Illinois, Ohio, and Arizona directly related to the inapplicability of CLEC certification to VoIP Positioning Services.
- d. The FCC has existing statutory authority to grant TCS's waiver request and, under similar circumstances, has granted many waiver requests in the past.
- e. The Navin Letter recognizes the potential for a waiver of its own requirements and TCS qualifies under those requirements for such a waiver.
- f. Granting TCS's waiver request will not violate any other FCC rule and TCS will agree to follow all other FCC rules related to P-ANI services as part of its waiver request.
- g. TCS's waiver request is supported by others in the emergency services industry. TCS is not aware of any party that would object to the waiver and believes that NEUSTAR, Inc. has not objection to this request.
- h. With Passage of the NET 911 Act of 2008, there is a clear demonstration of Congressional intent that VoIP companies must provide E911 services and have access to the resources necessary to do so. VoIP companies rely on 911 vendors such as TCS, who need unrestricted access to P-ANI to fulfill this mission. Congress has "closed" the certification loophole for VoIP companies (who are not "certified" in any case) and it is logical to argue that they have closed it for TCS also.

TCS respectfully requests that the Commission grant the relief requested in this Petition at its option; under authority of the NET 911 Act of 2008 or the traditional waiver process.

No documents were delivered during the meeting. Pursuant to the Commission's Rules, 47 C.F.R. Section 1.1206(b) (1), this letter is being filed electronically for inclusion in the record of the above-referenced proceeding.

Please do not hesitate to contact me if you have any questions regarding this submission.

Sincerely,



Kim Robert Scovill, Esq.
Senior Director – Legal and Government Affairs

cc: Marilyn Jones
Sanford Williams
Ann Stevens
William Dever
Travis Litman